

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

PLANNED PARENTHOOD )  
GREATER MEMPHIS REGION and )  
PLANNED PARENTHOOD OF MIDDLE )  
AND EAST TENNESSEE, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
JOHN J. DREYZEHNER, Commissioner, )  
Tennessee Department of Health )  
 )  
Defendant. )

No.: 3:12-CV-0139

Judge Haynes

*OKD SK*  
*The Order*  
*requiring a Case*  
*Management Order*  
*IS SET ASIDE.*  
*# Conference*  
*is set*  
*for*  
*November*  
*5, 2012*  
*at 4:30*  
*pm*  
*Will for*  
*102412*

PLAINTIFFS' PROGRESS REPORT

Plaintiffs file this Progress Report in response to the one filed by Defendant yesterday (Doc. 42) ("Def. Rep.") in order to correct two important issues about which Defendant attempts to mislead the Court.

First, Defendant misstates the status of the parties' prior settlement negotiations. The parties did not merely inform "the Court that they were attempting to reach an agreement that would resolve this case." Def. Rep. at 1. Rather, on May 24, 2012, the parties filed a Case Management Report informing the Court that "[t]he parties have agreed to a permanent injunction but continue to negotiate the issue of attorneys' fees, costs and expenses pursuant to 42 U.S.C. § 1988." Case Management Report (Doc. 41) at 1. The parties went on to state: "In light of the agreement on an injunction and the productive nature of the discussions to date, the parties request another month to attempt to resolve the remaining *issue*." *Id.* (emphasis added). In response to the agreement on a permanent injunction and the parties' representation that the